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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,131	11/03/2003	Ellyne Elizabeth Prodoehl	9408	3708

27752 7590 10/05/2006

THE PROCTER & GAMBLE COMPANY
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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,131

Applicant(s)

PRODOEHL, ELLYNE ELIZABETH

Examiner

Donald Loney

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graff (6461720) in view of McNeil et al (6129972).

Graff teaches a paper product comprising a plurality of raised areas 22 that have connecting elements 24 there between that are partially recessed (i.e. smaller in height) from the raised protrusions. Refer to figures 1, 3 and 4. The height of the protrusions is 1.3mm (i.e. 1300 μ m). Refer to column 4, lines 3-10. This is within the applicant's claimed range of 300-5000 μ m, or at least 650 μ m per claim 5. Graff does fail to specifically disclose the first sub pattern as being first sets of parallel rows and second set of parallel rows, wherein the first set is not parallel to the second set. Graff does disclose the pattern can be of straight lines and at least some of the portions are at least partly mutually parallel (column 2, lines 1-7). Graff also discloses that the pattern can be of a wide variety of patterns (column 4, lines 42-44).

McNeil et al discloses that patterns of two sets of parallel rows, wherein one set is not parallel to the other is known to be embossed in paper articles. Refer to figures 3, 4A, 4B and 4C. In figure 3 the two sets of parallel rows can be considered either the horizontal and vertical ones or the diagonal ones (i.e. the ones denoted by the lines that make an X). The same applies to figures 4A-4C, looking at horizontal and vertical lines.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Graff to form the first sub pattern of two sets of parallel lines wherein one set is not parallel to the other, as taught by McNeil et al, in order to form a pattern of two sets of parallel rows, wherein one set is not parallel to the other motivated by the fact the primary reference teaches straight line patterns can be used and also a variety of patterns can form therein. Per claim 2, as stated above, the second sub pattern can be no pattern at all. Not until claims 3 and 4 is the second sub pattern

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positively recited as being protrusions, however, it would be obvious to one of ordinary skill in the art to form another pattern motivated by the fact Graff discloses more than one pattern can be formed as shown in figure 1. Regarding claim 6 the pattern is repeating since it of a plurality of straight lines. Regarding claims 10 and 11, the products are embossed as disclosed by the references.

Response to Arguments

5. Applicant's arguments with respect to claims 2-7 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

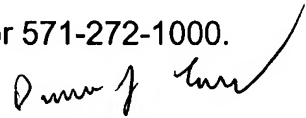
6. Applicant's arguments, see pages 5-7, filed July 19, 2006, with respect to the rejection(s) of claim(s) 9-11 under 35 USC 102/103 over Robb, Hale or Jablonka have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Donald Loney
Primary Examiner
Art Unit 1772

DJL:D.Loney
09/30/06